



## COLUMBIA HEIGHTS POLICE OFFICER POLICY MANUAL

<b>TITLE:</b> ARREST AND DETENTION	<b>GENERAL ORDER NUMBER:</b> 103
<b>REFERENCES:</b> Minnesota Rules of Criminal Procedure; General Order 104	<b>EFFECTIVE DATE:</b> 06/01/2016
<b>REVIEW DATE:</b> 01/01/2019	<b>DISTRIBUTION:</b> B

It shall be the policy of the Columbia Heights Police Department that all authorized employees take appropriate action necessary to ensure the protection of life and property, preserve the peace, prevent crime, and detect and arrest violators of the law.

### 103:1 Rules

#### 103:1-1 MN Rules of Criminal Procedure

All officers are to comply with applicable **Minnesota Rules of Criminal Procedure** regarding arrest and detention.

#### 103:1-2 Accordance with Law and Department Regulations

An officer shall not make an arrest, search, or seizure that he/she knows, or should know, is not in accordance with law or Department regulations (**General Order 104**).

#### 103:1-3 Safety and Protection

Officers shall be responsible for the reasonable safety and protection of persons they have arrested.

#### 103:1-4 Use of Force

The force used in effecting an arrest shall be consistent with statutory requirements and Department policy (**General Order 105**).

#### 103:1-5 Precautions

When making an arrest, the officer shall take precautions to prevent an escape, avoid injury to themselves or others, and avoid damage to property.

#### 103:1-6 Search of Prisoner

Officers shall conduct a thorough search of the prisoner, removing all weapons, and contraband prior to transport (**General Order 104**).

#### 103:1-7 Opposite Sex Searches

When conducting an opposite sex search, the prisoner or suspect shall be touched only as necessary to determine that weapons or instruments of self-destruction are not being concealed.

#### 103:1-8 Unattended Weapons or Objects

Employees shall not place weapons or objects adaptable for use as weapons, or permit such weapons or objects to remain unattended, in any location accessible to prisoners or suspects.

#### 103:1-9 Property

All property taken from an arrested person shall be handled with due care to prevent loss or destruction.

#### 103:1-10 Reports and Forms

All reports and required forms shall be completed and submitted with the prisoner at the time and place of detention, or where required by Department policy.

**103:1-11 Injured Prisoner**

If a prisoner is injured during the commission of a crime, or during the arrest process, the arresting officer shall notify a supervisor as soon as practical and, if the injury requires medical attention, the officer shall have EMS personnel evaluate the prisoner's injury.

**103:1-12 Refusal of Medical Attention**

If the prisoner appears to require but refuses medical attention, the officer shall arrange for the prisoner to be examined by a qualified medical professional, and shall have the medical professional document the refusal of medical care. The prisoner shall then be transported to the appropriate detention center where the officer shall notify the detention center staff of the refusal.

**103:2 General Procedures****103:21 Arresting Officer's Responsibility**

The arresting officer is responsible for the completion and timely submittal of all necessary reports and forms associated with the arrest.

**103:22 Shift Supervisor's Responsibility**

Shift supervisors shall promptly review all custodial arrests to ensure compliance with departmental policies and procedures, and to ensure the elements of the alleged offense/violation will be adequately articulated in the reports.

**103:23 Investigations Supervisor Responsibility**

Where the level of crime requires the assignment of an investigator, the reports shall be reviewed by the Investigative Sergeant or his/her designee. The captain or his/her designee shall review the documents for completeness, including elements of the offense; and where appropriate, shall assign a detective to process the case.

**103:24 Assigned Investigator Responsibility**

The assigned investigator shall review the documentation for the presence of required reports, forms, and other documentation; and

shall complete additional reports, forms, and investigation as called for to prepare the case for conclusion or prosecution.

**103:3 Citations and Arrests / Traffic****103:31 Enforcement Action Options**

For law enforcement that results in a citation or arrest, the following options exist:

- A uniform citation is to be issued for petty misdemeanor and some misdemeanor violations. All citations shall be filled out completely and legibly.
- For non-custodial arrests, if no identification is in possession, attempts should be made to identify by other means.

**103:32 Gross Misdemeanor Traffic Violations**

Violations shall be booked at the Columbia Heights Police Department or the Anoka County Jail and released pending complaint unless law (i.e. 1st and 2nd degree DWI, refusal to submit to alcohol testing (prior conviction within ten (10) years) requires their detention. These violations require maximum bail, judge's approval, and a conditional release prior to the first court appearance. An exception to this is gross misdemeanor/driving after cancellation (GM DAC) where the suspect is not intoxicated and has proper identification. This person may be released pending complaint.

**103:33 Out of State Violators**

The Minnesota Department of Public Safety will process non-resident violator compact notices from the states listed in this section. Drivers from those states are to be treated the same as Minnesota residents in accepting a promise to appear. This applies **only** to moving violations that are not violations that involve the following:

- A mandatory court appearance;
- Upon conviction, the loss of driving privileges would result in Minnesota;
- No valid drivers license;
- Parking, standing, or inspection violations;

- Equipment violations;
- Size and weight violations; and
- Transportation of hazardous material.

Participating states are:

Alabama	Pennsylvania
Alaska	Mississippi
Arizona	Missouri
Arkansas	Nebraska
California	Nevada
Colorado	North Carolina
Connecticut	North Dakota
Delaware	Ohio
District of Columbia	Oklahoma
Florida	Oregon
Georgia	Rhode Island
Hawaii	South Carolina
Idaho	South Dakota
Illinois	Tennessee
Indiana	Texas
Iowa	Utah
Kansas	Vermont
Kentucky	Virginia
Louisiana	Washington
Massachusetts	West Virginia

#### 103:4 Non-Traffic Arrests

##### 103:41 Petty Misdemeanor Violations

For petty misdemeanor violations, a uniform citation shall be used and best possible attempts at positive identification shall be made prior to release. Petty misdemeanor violators cannot be custodial arrested for the petty misdemeanor violation.

##### 103:42 Misdemeanor Violations

Misdemeanor violators are best handled by issuance of a citation. Positive identification is needed within the limits set upon us by the rules of criminal procedure Minnesota Statute § 299C.58, (20), Positive Identification.

- Mexican Consulate-issued identification cards are an accepted form of identification for Mexican citizens.

##### 103:43 Records Checks

State and county criminal history and warrants need to be checked for release evaluation. More serious charges may result by enhancement or aggregation.

##### 103:44 Interviews

Miranda prefaced interviews shall be conducted on custodial arrests, either in the field (recording equipment suggested, not required) or in the police facility (per *Scales* decision) prior to being released at the scene or at the police facility.

**BY ORDER OF:**

Scott Nadeau, Chief of Police

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